

Pro Se 14 (Rev. 09/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA

MAY 29 A 10:15

Teremal Lawson Day  
Plaintiff

(Write your full name. No more than one plaintiff may be named in a complaint.)

-v-

Case No. U-19-CV-017-KOB-JEO  
(to be filled in by the Clerk's Office)Walker County Sheriff Dept.  
Walker County ~~Det. [illegible]~~ DA  
Walker County District Court  
Walker County Jail  
Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all of the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here. Your complaint may be brought in this court only if one or more of the named defendants is located within this district.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS  
(Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee of \$400.00 or an Application to Proceed *In Forma Pauperis*.

Mail the original complaint and the filing fee of \$400.00 or an Application to Proceed *In Forma Pauperis* to the Clerk of the United States District Court for the Northern District of Alabama, Room 140, Hugo L. Black U.S. Courthouse, 1729 5th Avenue North, Birmingham, Alabama 35203-2195.

**I. The Parties to this Complaint****A. The Plaintiff**

Provide the information below for the plaintiff named in the complaint.

Name

All other names by which  
you have been known:

ID Number

Current Institution

Address

Terrence Lawson Day

1510

Walker County Jail

2001 2nd Ave North

Jasper AL 35501

City State Zip Code

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (*if known*)

Shield Number

Employer

Address

Walker County Sheriff Department

2001 2nd Ave Nth

Jasper AL 35501

City State Zip Code

☐ Individual Capacity ☒ Official Capacity

Defendant No. 2

Name

Job or Title (*if known*)

Shield Number

Employer

Address

Walker County ~~Police~~ ~~Det~~ ~~Officer~~ ~~Det~~

Det

275 West St

Jasper AL 35501

City State Zip Code

☐ Individual Capacity ☒ Official Capacity

## Defendant No. 3

Name

Walker County Jail

Job or Title (if known)

Shield Number

Employer

Address

2001 2nd Ave N.W.

Tape

City

AL

State

35501

Zip Code

☐ Individual Capacity☒ Official Capacity

## Defendant No. 4

Name

Walker County District Court

Job or Title (if known)

Shield Number

Employer

Address

2001 2nd Ave E.W.

2001 Tape

City

AL

State

35501

Zip Code

☐ Individual Capacity☒ Official Capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal law]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities, secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

All of them

- C. Plaintiffs suing under *Bivens* may only recover for violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?
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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
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### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☒ Pretrial Detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other \_\_\_\_\_  
(*explain*)

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

*S-spy Al at my house didn't investigate anything*

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- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

*Walk County Jail, and sheriff's office*

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C. What date and approximate time did the events giving rise to your claim(s) occur?

July 28, 2018 11:00am

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

They arrested me on here say with no evidence what so ever

## V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries in detail.

## VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I was arrested on July 28, 2018 for Assault 1<sup>st</sup>, someone got shot, They took someone's word for what happen me I live at my mother-in-law house, me and my brother-in-law got into a fight. He came into my room attacked me, had me pinned down, I went to knock him off me and knock a gun out of his waist. He got shot It was his mother's gun. I pick him up to take him to the hospital she pick the gun up. The police never found the gun, no bullet no shell case. Didn't even try to. Just took his word for over the phone that I did it. There is no evidence at all here say. I been in here a year They want give me a bond reduction one that I can't afford.

**VII. Exhaustion of Administrative Remedies Administrative Procedures**

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Walker County Jail

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☐ No

☒ Do not know

If yes, which claim(s)?

\_\_\_\_\_  
\_\_\_\_\_

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

Walker County Jail

2. What did you claim in your grievance?

CP officers

3. What was the result, if any?

Nothing

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

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2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

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G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

*Ask for copies of my arrest warrant for  
a year and want give me one*

*(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)*

#### VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had any cases dismissed based on grounds that it was frivolous, malicious, or failed to state a claim upon which relief may be granted?

☐ Yes

☒ No

If yes, state which court dismissed your case(s), when this occurred, and attach a copy of the order(s) if possible.

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A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

\_\_\_\_\_

3. Docket or index number

\_\_\_\_\_

4. Name of Judge assigned to your case

\_\_\_\_\_

5. Approximate date of filing lawsuit

\_\_\_\_\_

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. \_\_\_\_\_

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

\_\_\_\_\_

**IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Printed Name of Plaintiff

Prison Identification #

Prison Address

Terrence L. Lawson Day  
11570  
2001 2nd Ave North  
Tape AL 35501  
City State Zip Code

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

5/3/19  
(Date)

Signature of Plaintiff



I keep asking for an Indigent form. And they want give me one. Maybe you can get them to give to you.

Thanks  
Jenah Day

Please review my case over and help me.  
If I am found right ~~on~~ and not guilty  
I serving then for 250,000 dollar for  
a year of my life gone!

James D.

**Office of The**  
**PUBLIC DEFENDER**  
**14<sup>TH</sup> JUDICIAL CIRCUIT - WALKER COUNTY**

**Sam Bentley - Public Defender**  
**Nath Camp - Sr. Asst. P.D.**  
**Dustin Whisenhunt-Asst P.D.**  
**Ryne Martin - Asst P.D.**  
**Belinda Weldon-Asst P.D.**

**375 West 19<sup>th</sup> Street**  
**Jasper, AL 35501**

**Office (205) 221-4776**  
**Facsimile (205)221-4043**

May 13, 2019

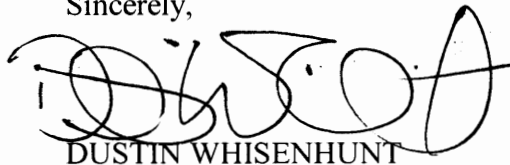
Jeremiah Lawson Day  
C/O Walker County Jail  
2001 2nd Ave  
Jasper, AL 35501

**RE: DC-2018-00900877 *State of Alabama vs. Jeremiah Lawson Day***

Dear Jeremiah:

I am in receipt of your letter. I am working to get something for you one way or the other. However, the DA's office are dragging their feet on giving me anything at all. I have contacted the prosecutor handling your case at least once a week for the last month regarding your case. Thus far, I am not getting any answers. I write you as soon as I have more information.

Sincerely,

  
DUSTIN WHISENHUNT

Forensic Day  
2001 2nd Ave North  
Tape A1 35501

MAILED FROM THE  
WALKER COUNTY POST OFFICE  
HAS NOT BEEN OPENED

**SECURITY**

MAY 29 2019

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA

Clerks Office, United States District Court  
Northern District of Alabama  
Room 1416 Hugo Black Building U.S. Courthouse  
1729 5th Ave North, Birmingham AL 35203-2195

Legal Mail

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